

REMARKS

Claim 8 is pending in the present application. Claim 8 was rejected under 35 U.S.C. §102(e) as being anticipated by *Tiedmann Jr. et al.* (U.S. 6,246,673).

Tiedemann, Jr. et al. discloses a method and system for handoff between an asynchronous CDMA base station and a synchronous CDMA base station. The Examiner alleges that a method disclosed by Tiedemann, Jr. et al. anticipates the mobile station of Claim 8.

Claim 8 recites a mobile station having at least the following elements: an async demodulation module, a sync demodulation module, a switch, and a controller. In fact, Tiedemann, Jr. et al. does not actually disclose any of the elements of Claim 8. The Examiner relies only on assumptions to use Tiedemann, Jr. et al. to anticipate Claim 8. There is no async demodulation module disclosed in Tiedemann, Jr. et al. There is no sync demodulation module disclosed by Tiedemann, Jr. et al. There is no switch disclosed by Tiedemann, Jr. et al. There is no controller disclosed by Tiedemann, Jr. et al. And even more specifically, there is no controller *for driving the sync demodulation module for a given time interval to acquire the timing of the sync base station during an operation in the cell of an async base station, and maintaining the acquired timing of a sync base station even after switching to the async demodulation module* disclosed by Tiedemann, Jr. et al.

To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. 2131. Tiedemann, Jr. et al. does not teach any of the elements of Claim 8.

Based on at least the foregoing, withdrawal of the rejection of Claim 8 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claim 8, is believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over a horizontal line.

Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr